

## IN THE UNITED STATES DISTRICT COURT

## FOR THE NORTHERN DISTRICT OF CALIFORNIA

11 BAY AREA PAINTERS AND TAPERS  
12 PENSION FUND, et al.,

No. C-08-0530 MMC

13 Plaintiffs,

**ORDER GRANTING PLAINTIFFS'  
MOTION FOR ENTRY OF DEFAULT  
JUDGMENT; VACATING HEARING**

14 v.

15 FRANK WILLIAM MITCHELL, individually  
16 and dba MITCHELL CONSTRUCTION  
DRYWALL METALS STUDS,

17 Defendant

18 \_\_\_\_\_/

19 Before the Court is plaintiffs' Motion for Entry of Default Judgment, filed April 8,  
20 2008, as amended April 11, 2008 and April 14, 2008. Defendant, although served with the  
21 motion, has not filed an opposition or other response thereto.<sup>1</sup> Having reviewed the papers  
22 filed in support of the motion, the Court deems the matter suitable for decision on the  
23 papers, VACATES the hearing scheduled for May 23, 2008, and, for the reasons stated by  
24 plaintiffs, hereby GRANTS the motion, as follows:25 //  
26 //27 \_\_\_\_\_  
28 <sup>1</sup>Pursuant to the Civil Local Rules of this District, opposition was due no later than  
May 2, 2008. See Civil L. R. 7-3(a) (providing opposition to motion must be filed no later  
than 21 days before hearing date).

1       1. Plaintiffs are entitled to damages in the amount of \$22,704.92, representing  
2 unpaid contributions, liquidated damages, and interest.

3       2. Plaintiffs are entitled to an award of attorney's fees in the amount of \$3494 and  
4 costs in the amount of \$616.45.

5       The Clerk is directed to enter judgment in favor of plaintiffs and against defendant, in  
6 the total amount of \$26,815.37.

7       **IT IS SO ORDERED.**

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9       Dated: May 7, 2008

  
MAXINE M. CHESNEY  
United States District Judge

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